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LONGEVITY PAY
BASED UPON SERVICE IN THE ARMY

A REVIEW OF THE LAWS AND DECISIONS

BY

SENATOR JACOB H. GALLINGER

OF NEW HAMPSHIRE

PRESENTED BY MR. GALLINGER

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LONGEVITY PAY BASED UPON SERVICE IN THE ARMY.

The first act on the subject of longevity pay was the act of July 5, 1838 (5 Stat. L., 256), section 15 of which provided:

> That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States.

It goes without saying that prior to the passage of this statute of 1838, the first law which gave credit for length of service in the Army, the question of counting cadet service and service as an enlisted man in the Regular Army in the computation of pay was not raised—could not be raised. Immediately upon the passage of the act, to be exact, on July 19, 1838, the Paymaster General of the Army submitted to the second comptroller, Albion K. Parris, a number of questions as to the construction of various sections of the act. In an advance decision of July 24, 1838, addressed to the Paymaster General, the comptroller ruled as to section 15:

> In regard to the construction of the fifteenth section upon the points on which my decision is called for, it is my opinion that a commissioned officer is entitled to receive one additional ration per day for every five years he may have served or shall serve *as such;* that is, as a commissioned officer in the Army of the United States, and consequently that the service in the ranks of the Army is not to be counted as the basis on which the additional ration is allowed.
>
> When a soldier is promoted from the ranks of the Army to the grade of a commissioned officer, his faithful service in the subordinate situation is rewarded by the commission, and if he continue in the service as a commissioned officer the fifteenth section provides for him, as for all other commissioned officers, additional rations in proportion to the length of service under a commission. * * *
>
> I do not consider service as a cadet at West Point as service in the Army.

As will be seen, the comptroller read into the law the words "as such," which he underscored in his decision.

It will thus be seen that instead of cadet service and enlisted service being excluded as the result of a custom, they were excluded by an authoritative decision made by the only person who could pass upon the question, for at that time no court of law was open to an appeal. No claimant could have obtained a judicial decision on this matter until 1863, when the Court of Claims was given jurisdiction to consider matters of this kind. This jurisdiction was conferred in the midst of the Civil War, and it must be said that it was creditable to the officers of the Army that the question was not litigated at that time.

The custom (if any such custom arose) arose after the comptroller had rendered his decision, and it was founded upon that only. But there could be no such thing as acquiescence in this view of the comptroller, as no tribunal existed in which this question could be adjudicated. Everyone knows that in dealing with the United States as paymaster, when a salary is paid and the statement made

that the comptroller has decided that that is all that is due, nine hundred and ninety-nine people out of a thousand accept that statement as final; and before the Court of Claims was created they had to accept it as final.

This decision of July 24, 1838, dealt with a great variety of questions that came up under the act of July 5, 1838. The comptroller cited neither precedent nor prior law. He arbitrarily wrote into the law the words "as such," where Congress had not used those words. According to his construction, there was but one kind of service in the Army that could be counted in computing longevity pay, viz, service as a commissioned officer. As shown above, this was his notion of service as an enlisted man for which Congress provided a reward:

> When a soldier is promoted from the ranks of the Army to the grade of a commissioned officer, his faithful service in the subordinate situation is rewarded by the commission and if he continue in the service as a commissioned officer the fifteenth section provides for him, as for all other commissioned officers, additional rations in proportion to the length of time under a commission.

According to that, a commission as second lieutenant was full reward for faithful service of 5, 10, or 20, or 40 years in the ranks.

The offhand ipse dixit that neither enlisted service nor cadet service was service in the Army of the United States is in striking contrast with the laborious and thorough investigation of the acts of Congress and the decisions of the courts made by Mr. Justice Blatchford, speaking for the Supreme Court in the Morton case (112 U. S., 1), and the opinion of Mr. Justice Lamar in the Watson case (130 U. S., 80).

The case of United States *v.* Morton (112 U. S., 1) involved the question whether service as a cadet at the Military Academy was service in the Army within the meaning of the act of February 24, 1881 (21 Stat. L., 346), and the act of June 30, 1882 (22 Stat. L., 118), each of which provided that "the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay."

The Supreme Court, speaking through Mr. Justice Blatchford: said,

> But an examination of the legislation of Congress shows that the cadets at West Point were always a part of the Army and that service as a cadet was always service in the Army.

Then the great jurist, with infinite pains, began with the act of May 9, 1794, which provided a corps of artillerists and engineers, of which a part was to be 32 cadets, ranking as sergeants, but spoken of as officers. "These were part of the Army," he said. Then came the act of July 16, 1798; the act of March 16, 1802; the act of April 12, 1808; the act of April 29, 1812; the act of March 3, 1815; the act of July 6, 1838; and the act of July 28, 1866, the last providing that the military peace establishment should consist of so many regiments of artillery, of cavalry, and of infantry, the professors and Corps of Cadets of the Military Academy.

The accounting officers of the Treasury held that the decision in the Morton case simply meant that service as a cadet was service in the Army within the meaning of the two acts of February 24, 1881, and June 30, 1882, and therefore went no farther back than the period of time mentioned, to wit, February 24, 1881; in other words, that the acts were not retroactive and could not be applied to the

nterpretation of any prior act, especially to the act of July 5, 1838. Such was their ruling in the case of Malbone F. Watson, who entered he Military Academy in 1856 and was retired from active service in 868 on account of loss of his right leg in line of duty during the Civil War.

The Court of Claims having overruled the contention of the accounting officers, the case went to the Supreme Court.

By decision of March 11, 1889 (130 U. S., 60), the Supreme Court, affirming the Court of Claims, said:

> That cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army, has been settled by the decision of this court in the case of United States *v.* Morton (112 U. S., 1).

And, again:

> The words "actual time of service in the Army," as used in the act of February 24, 1881, are not more expressive of cadet service at West Point than are the words "for every five years he may have served or shall serve in the Army of the United States," as used in the act of July 5, 1838. They both mean the same kind of service, and we are of opinion that such service should be reckoned in computing longevity pay prior as well as subsequent to the act of February 24, 1881.

After these decisions had been made, Army officers applied to the accounting officers of the Treasury for a resettlement of their accounts in accordance therewith. The second auditor, William A. Day, began to make settlements, giving credit for cadet service as service in the Army, and certified to the second comptroller, Sigourney Butler, the accounts of Gens. Grant, Rosecrans, and Kilpatrick.

In his decision of May 8, 1889, filed in the case of Gen. Grant, confirming the auditor's settlement, Comptroller Butler considered five questions, two of which may be referred to. They were:

> 1. Under the act of 1838, should service as an enlisted man count for longevity, as well as service at the Military Academy?

This was the comptroller's decision:

> The decision in the Watson case gives an interpretation of the phrase, "He may have served or shall serve in the Army of the United States," removing the limitation to service as a commissioned officer which had been imposed by the accounting officers. This interpretation is put by the court on the ground that the cadets are a part of the Army, and not upon the ground that they are in any sense officers. The court quotes with approval from the decision in the Morton case, in which the point decided was that cadets were part of the Army. Service as an enlisted man is obviously service in the Army, and must therefore be included in the principle of the decision.

The second question was:

> Is the fact that Watson was precluded by section 1069 of the Revised Statutes from recovering in the Court of Claims any amount that accrued more than six years before the date of filing his petition material as prescribing any limitation in similar cases brought before the accounting officers?

As to that, the comptroller said:

> The fifth point is fully discussed in the auditor's memorandum, and I concur in his conclusion that no statute of limitations is applicable in these cases.

This decision of Comptroller Butler was a reversal of the decision of Comptroller Parris, made July 24, 1838.

If Comptroller Butler was right, there had been for nearly 51 years—from July, 1838, to May, 1889—an erroneous construction of the act of July 5, 1838, prevailing in the Treasury Department. The comptroller's decision of 1908, hereafter to be considered, acknowledged Butler to have been right, notwithstanding the fact

that his ruling was reversed by his successor, Second Comptroller Gilkeson, who nullified the decision of the Supreme Court in his decision of June 20, 1890, which was reversed by the Comptroller of the Treasury in 1908.

The following are some extracts from the decision of Mr. Gilkeson:

1. If the question were new, a more liberal construction of the act of 1838 might be justifiable, especially in view of what the Supreme Court has said in the Watson case; but in view of the fact that all the parties in interest, their attorneys, the accounting officers, Attorneys General, Congress, and courts down to 1889 have heretofore proceeded upon the theory that the construction first given to the act of 1838 was correct, it can hardly be said that the law was free from ambiguity and did not admit of such construction.

2. I yield to no man in the respect I entertain for the deliverances of the great constitutional court of last resort, and I would be far, very far, indeed, from setting up my opinion against such an authority; but it will not be pretended that the authority of the Supreme Court, great as it is, binds either the citizen or the Government in any matter unless within the jurisdiction of the court.

3. Although it may be argued that such decision (Watson decision) was rendered upon a construction of the act of 1838, still it can not be said that the accounting officers are legally bound to follow such a decision in cases over which the Court of Claims, and consequently the Supreme Court of the United States, can not have jurisdiction.

Thereupon he issued the following broad and sweeping order:

I therefore direct that all claims for longevity pay under the Watson decision now pending in this office be disallowed, and that a copy of this opinion be sent to the second auditor, to the end that all like cases filed in his office be settled accordingly.

This was a reversal of Comptroller Butler's decision as to cadet service, enlisted service, and the nonapplication of a statute of limitations.

May 18, 1908, the Assistant Comptroller of the Treasury, Mr. Mitchell, reversed the Gilkeson decision in so far as it related to cadet service and the application of the statute of limitations at the Treasury. The assistant comptroller said:

The asserted doctrine that because the construction placed upon the act of 1838 by the accounting officers prevailed for a long period of time, such construction should be persisted in, notwithstanding the Court of Claims and the Supreme Court had decided that such construction was wrong and contrary to law, I do not think can be sanctioned. To do so is to perpetuate error, overthrow the law, and deny to a worthy class of men the rights which the law clearly gives to them. In other words, the Supreme Court of the United States being the ultimate tribunal to determine the meaning of statutes enacted by Congress, the accounting officers are not justified in setting up their judgment in conflict with the decision of the Supreme Court in such cases upon the assumption that such decision is unreasonable, or because it is in conflict with a long-standing practice of the accounting officers.

Referring to the Morton and Watson decisions, the assistant comptroller said:

In the face of these decisions it is difficult to see how the construction placed upon the act of 1838 has been acquiesced in by the courts.

And further:

There is no statute of limitations that bars the claimant's right to recover before the accounting officers upon his claim in this case. Were it not for the bar of the statute of limitations against his right to sue in the Court of Claims, and he should there sue, there can be no doubt but that under the act of 1838 he would recover, and, that being true, I do not think the accounting officers against whom the bar of the statute of limitations does not apply are justified in disallowing his claim under said act.

June 30, 1910, the assistant comptroller overruled the decision of July 24, 1838 (Second Comptroller Parris), and that of Comptroller Gilkeson as to enlisted service, and held that service as an enlisted

man in the Regular Army is service within the meaning of the act of 1838, and that such service, both before and after the passage of the act of June 18, 1878, should be counted in computing longevity pay.

The act of June 18, 1878 (20 Stat. L., 150), provides, in section 7:

> That on and after the passage of this act all officers of the Army of the United States who have served as officers in the volunteer forces during the War of the Rebellion or as enlisted men in the Armies of the United States, Regular or Volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and enlisted men in computing their service for longevity pay. * * *

As a result of these two decisions, the decision of Comptroller Butler which reversed Parris, and was, in its turn, reversed by Gilkeson, was followed by Comptroller Tracewell.

The officers of the Army who made haste to present their claims under the Watson decision were met with the sweeping order of Comptroller Gilkeson and their claims were disallowed. Those who did not so present their claims found the Treasury doors open to allowance under Tracewell. Thus the old Latin maxim "Tarde venientibus ossa" is reversed.

The claims of both are equally just, being identical in character.

The officers whose claims were disallowed under the Gilkeson order, based upon a misconstruction of law and a nullification of the decisions of the Supreme Court, finding the Treasury doors closed because of prior settlements, ask that their claims may be settled in accordance with the decision of the Supreme Court and that they be allowed what their brother officers are allowed and what the present comptroller concedes is due them and would be allowed but for the prior settlements based upon error of law.

The Committee on War Claims of the House has prepared and caused to be printed a very interesting pamphlet giving a history of these longevity-pay claims. On page 29 this statement appears:

> The arbitrary rejection in opposition to the opinion of the Supreme Court led to very unjust discriminations. Gen. U. S. Grant, Gen. W. S. Rosecrans, and Gen. Judson Kilpatrick filed their claims and had them allowed in 1889. The claims of their respective classmates, Gen. J. J. Reynolds, Gen. John Pope, and Gen. Guy V. Henry, were filed about the same time and disallowed because Second Comptroller Gilkeson refused to follow the Supreme Court.
>
> Gen. Philip H. Sheridan filed his claim in 1889 and it was rejected under Second Comptroller Gilkeson's ruling. His classmate, Alfred E. Latimer, did not file his claim until 1909, and it has been allowed and paid.
>
> The account of Gen. William Tecumseh Sherman has not been readjusted, though the account of his classmate, Capt. Charles H. Humber, has been.
>
> The claim of Maj. Gen. G. K. Warren has, within the past two years, been paid to his legal representatives. The claim of his classmate, Gen. Eugene A. Carr, has been refused consideration because filed and erroneously rejected in 1890.
>
> Maj. Gen. Fitz John Porter, Brig. Gen. John C. Kelton, and Brig. Gen. David McM. Gregg applied to the accounting officers to restate their accounts in 1889 and were denied relief. The claims of their classmates, Maj. J. V. Du Bois, Lieut. Col. John W. Davidson, and Col. George L. Andrews, filed in the same office 20 years later, have been allowed and paid.
>
> This shows a reversal of the usual rule of vigilantibus et non dormientibus jura subvenient, in that those officers who applied promptly on the Supreme Court announcing its decision in a test case had their claims rejected through what is now admitted to have been an error on the part of the then second comptroller, while those claimants who did not apply at that time, but who waited until a eorrect practice was established 20 years later, have received their pay.

The claims which were disallowed under the Gilkeson order are, 80 per cent of them, of officers who served during the Civil War, many of them with the greatest distinction and with the thanks of

Congress—Sherman, Sheridan, Meade, George H. Thomas, Hancock, Henry J. Hunt, Custer, Gregg, Horatio Wright, Lorenzo Thomas, Alfred Pleasanton, William B. Franklin, Charles Griffin, Gordon Granger, Philip St. George Cooke; the heroic Cushing, killed at Gettysburg; Wesley Merritt; Garesche, Rosecrans's chief of staff, killed at Stone River; and many another who served as an enlisted man, like Gen. Theodore A. Baldwin, Maj. James Belger, Col. Lewis V. Caziarc, Gen. Adna R. Chaffee; Maj. Richard Comba, 46 years on the active list; Maj. Michael Cooney, Gen. Wirt Davis, Maj. Thomas B. Dewese; Gen. John W. Clous, 44 years on the active list; Gen. John Green, 43 years in active service, four times brevetted for conspicuous gallantry, and awarded the medal of honor; Maj. Myles Moylan, Maj. Daniel Robinson, over 60 years in the Army; Gen. Theodore Schwan, 44 years of active service; and many others, whose claims were disallowed under the order of Comptroller Gilkeson.

The statement that there was no such thing as promotion from the ranks at the time the act of 1838 was passed is absolutely without foundation. One of the questions propounded to Comptroller Parris by Paymaster Gen. Towson, as shown by the comptroller's decision, related to the enlisted service of officers promoted before the act was passed. The records and registers of the Army show that long prior to 1838 a great many enlisted men of the Regular Army had been rewarded by commissions in the Regular Army, as they were at the time the act was passed and for many years thereafter. Appended hereto is a list of officers promoted from the Army—from the ranks. Hundreds of other names of officers so promoted might be added if necessary. This list does not include the names of any officer who enlisted for the War of 1812 and was promoted to the grade of lieutenant and honorably discharged at or about the close of that war, as the act of 1838 took no account of a service of less than five years. It contains only the names of those whose enlisted service and promotions were both in the Regular Army.

As the Comptroller of the Treasury said in 1908, the sanction of the Gilkeson decision "is to perpetuate error, overthrow the law, and deny to a worthy class of men the rights which the law clearly gives to them." (Comp. Dec., Vol. XIV, p. 795.)

ACTS OF CONGRESS FIXING RATIONS.

The ration provided for by the act of July 5, 1838, was a 20-cent ration. It was increased to 30 cents by the act of February 21, 1857 (11 Stat. L., 163). By the act of March 3, 1865 (13 Stat. L., sec. 3, p. 497), it was fixed at 50 cents. It was subsequently reduced to 30 cents and so remained until the passage of the act of July 14, 1870 (16 Stat. L., sec. 24, p. 320), which fixed annual salaries for officers of the Army and substituted a percentage on their salaries for the additional ration. This is the language of the act:

> That the pay of the officers of the Army shall be as follows: * * * and there shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each and every term of five years of service: *Provided*, That the total amount of such increase for length of service shall in no case exceed 40 per cent on the yearly pay of his grade, as established by this act: *And provided further*, That the pay of a colonel shall in no case exceed $4,500 per annum nor the pay of a lieutenant colonel $4,000 per annum. * * *

OFFICERS OF THE REGULAR ARMY OF THE UNITED STATES WHO WERE PROMOTED FROM THE RANKS.

PHILIP ANSPACH. Private and sergeant, Light Dragoons, July 13, 1808, to September, 1813; cornet, Light Dragoons, September 23, 1813; third lieutenant April 19, 1814; honorably discharged June 15, 1815.

JOSHUA B. BRANT. Private, sergeant, and sergeant major, Twenty-third Infantry, February 26, 1813, to July, 1814; ensign, Twenty-third Infantry, July 15, 1814; second lieutenant October 1, 1814; transferred to Second Infantry May, 1815; regimental quartermaster June 10, 1815, to December 9, 1819; first lieutenant December 1, 1819; captain March 22, 1832, to December 28, 1832; major December 28, 1832; lieutenant colonel July 7, 1838; resigned November 7, 1839.

JAMES VINCENT BALL. Corporal, Light Dragoons, May 1, 1794; lieutenant October 19, 1795; captain February 6, 1799; honorably discharged June 1, 1802; captain, Light Dragoons, April 28, 1812; major, Second Light Dragoons, September 16, 1812.

BEDEL HAZEN. Private and sergeant, Eleventh Infantry, August 27, 1812, to September, 1813; ensign, Eleventh Infantry September 21, 1813; third lieutenant January 1, 1814; second lieutenant June 15, 1814; regimental quartermaster June, 1814, to June, 1815; first lieutenant October 19, 1816; honorably discharged June 1, 1821.

JAMES BELGER. Private, corporal, and sergeant, company H, and sergeant major, Second Infantry, November, 1832, to October 15, 1838; second lieutenant, Sixth Infantry, October 15, 1838; first lieutenant February 27, 1843; regimental adjutant February 1, 1840, to January 1, 1846; captain, acting quartermaster, June 18, 1846; major (quartermaster) August 3, 1861; colonel July 11, 1862; dismissed November 30, 1863; major (quartermaster) March 3, 1871 (by Act of Congress March 3, 1871); retired June, 1879.

NOTE.—This was a promotion from the ranks (Oct. 15, 1838) about the time the act of July 5, 1838, was passed.

OLIVER O. BANGS. Sergeant, Third Artillery, May 6, 1812, to October, 1813; third lieutenant, Third Artillery, October 11, 1813; second lieutenant April 19, 1814; resigned September 30, 1814; second lieutenant, Ordnance, December 2, 1815; first lieutenant August 13, 1819; honorably discharged June 1, 1821.

GEORGE BRUCE. Private, corporal, and sergeant, Company H, First Infantry, April 17, 1838, to April 17, 1841; reenlisted; private, corporal, and sergeant, Company H, Second Infantry, July 8, 1841, to July 8, 1848; second lieutenant June 28, 1848.

BENJAMIN R. CHRISTIAN. Sergeant, Seventh Infantry, December 29, 1808, to July, 1814; ensign, Seventh Infantry, July 9, 1814; third lieutenant September 1, 1814.

RICHARD DOUGLASS. Private, corporal, and sergeant, Fifth Infantry, June, 1812, to June 25, 1812; second lieutenant, Second Artillery, July, 1817; served until 1821.

GUSTAVUS S. DRANE. Private, corporal, and sergeant, Light Artillery, April 21, 1812, to April, 1814; third lieutenant of Artillery April 15, 1814; second lieutenant March 17, 1814; first lieutenant, November 15, 1817; transferred to Fourth Artillery June 1, 1821; transferred to Second Artillery August 16, 1821; brevet captain November 15, 1827, "for 10 years' faithful service in one grade"; captain May 30, 1832; died April 16, 1846.

JOHN DARLING. Private, corporal, and sergeant, Company H, Fourth Artillery, from January, 1830, to June 22, 1838; second lieutenant, Fifteenth Infantry, July 31, 1838.

JOHN ELLISON. Private, corporal, and sergeant from September, 1806, to September 1813; third lieutenant, First Artillery, September 29, 1813; second lieutenant March 17, 1814; honorably discharged June 15, 1815; reinstated in Sixth Infantry December 2, 1815; first lieutenant March 31, 1817.

PETER WILLIAM GRAYSON. Private, Seventh Infantry, March 13, 1813, to March, 1815; second lieutenant, Third Infantry, February 10, 1818; dismissed February 5, 1820.

THOMAS HENDRICKSON. Private, Artillery Corps, December 13, 1819, to July 18, 1821; private and sergeant, Company F, and sergeant major, Third Infantry, July 20, 1823, to July 20, 1828; private, sergeant, and sergeant major, Sixth Infantry, July 28, 1828, to April 25, 1833; ordnance sergeant, April 25, 1833, to June 10, 1836; second lieutenant, Sixth Infantry, July 31, 1838; captain, January 27, 1853; major, June 27, 1862; retired August 31, 1863.

SAMUEL HOUSTON. (United States Senator and first governor of Texas.) Private and sergeant, Seventh Infantry, March 24, to August, 1813; ensign, Thirty-ninth Infantry, July 29, 1813; third lieutenant, December 31, 1813; second lieutenant, May 20, 1814; transferred to First Infantry, May 17, 1815; first lieutenant, May 1, 1817; resigned March 1, 1818.

JOHN W. HOLDING. Sergeant major, Twenty-first Infantry, May 18, 1812, to August 1813; ensign, Twenty-first Infantry, August 5, 1813; second lieutenant, March 8, 1814; first lieutenant, July 31, 1814; brevet captain, July 25, 1814; dropped November 11, 1818.

DANIEL JACKSON. Sergeant of Gridley's Regiment Massachusetts Artillery, May to December, 1775, and in Knox's Regiment Continental Artillery, December, 1775, to November 16, 1776; second lieutenant, Third Continental Artillery, January 1, 1777; first lieutenant, September 12, 1778; major, Second Artillery and Engineers, June 4, 1798; resigned April 30, 1803.

WILLIAM B. HAYWARD. Private, corporal, and sergeant, Company A, and sergeant major, First Artillery, July 21, 1831, to July 7, 1838; second lieutenant, Eighth Infantry, July 7, 1838; first lieutenant, August 31, 1841; resigned December 31, 1842.

SAMUEL JOHNSON. Private, corporal, and sergeant, Fifteenth Infantry, December 4, 1813, to June, 1815; sergeant and sergeant major, Light Artillery, June, 1815, to May 11, 1818; second lieutenant, Light Artillery, April 18, 1818; resigned October 9, 1818.

NOTE.—While his first service was in the Volunteer Army of the War of 1812, he was in the Regular Army when promoted.

SETH JOHNSON. Private, corporal, and sergeant, Thirteenth Infantry, May 5, 1812, to November, 1813; ensign, Thirteenth Infantry, October 27, 1813; third lieutenant, January 31, 1814; second lieutenant, August 20, 1814; first lieutenant, May 1, 1819; captain, September 13, 1831.

WILLIAM W. LEAR. Corporal and sergeant, Light Dragoons, May 18, 1812, to June 15, 1815; and in Fourth Infantry to March, 1818; second lieutenant, Fourth Infantry, February 13, 1818; first lieutenant, February 24, 1818; captain, May 1, 1824; major, Third Infantry, June 14, 1842; died October 31, 1846.

WILLIAM L. MCCLINTOCK. Private and sergeant, Third Artillery, July 1, 1812, to May 20, 1813; third lieutenant, Third Artillery, May 20, 1813; second lieutenant, June 20, 1813; major, June 27, 1843; died October 29, 1848.

ANDREW MCINTIRE. Private and sergeant, Twenty-sixth Infantry, July 4, 1814, to June, 1815, and quartermaster sergeant, Light Artillery, to February 24, 1818; second lieutenant, Light Artillery, February 13, 1818; transferred to First Artillery June 1, 1821; first lieutenant, December 1, 1822; resigned March 1, 1826.

JOHN R. MORGAN. Private, corporal, and sergeant, Forty-third Infantry, October 12, 1813, and private, corporal, and sergeant, First Corps Artillery, August 4, 1817, to June, 1819; second lieutenant, Corps Artillery, March 3, 1819; died June 18, 1819.

JAMES S. SANDERSON. Private, sergeant, and first sergeant, Company B, and sergeant major, Seventh Infantry, March 7, 1825, to March 1, 1838; second lieutenant, Seventh Infantry, March 1, 1838; killed in action May 19, 1840.

SAMUEL SHANNON. Sergeant, Thirty-sixth Infantry, March 19 to July, 1814; ensign, Fourteenth Infantry, July 27, 1814; third lieutenant, August 5, 1814; honorably discharged June 15, 1815; second lieutenant, September 10, 1818; first lieutenant, February 23, 1820; captain, July 28, 1831; died September 4, 1836.

JOHN STEWART. Private, Thirty-ninth Infantry, July 20, 1814, to June, 1815, and sergeant, Seventh Infantry, June, 1815, to August, 1819; second lieutenant, Seventh Infantry, August 13, 1819; first lieutenant, October 6, 1822; captain, June 30, 1828; died December 8, 1838.

GEORGE B. DANDY, of Georgia, reentered the Regular Army as private Company A, First Artillery, November 14, 1854, in which he served continuously as first sergeant until promoted second lieutenant, Third Artillery, February 21, 1857. He served throughout the Civil War, was retired with the rank of colonel in 1894, and as colonel (under the increased-grade act) April 22, 1904. He received appointment as brevet brigadier general of volunteers March 13, 1865.

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